REMARKS

The Notice of Non-Compliant Amendment mailed on December 22, 2009 requests the identification of support for amendments regarding "highest ranked service provider" and the specific distinctions believed to render the claims patentable over the applied references. In response, Applicant respectfully submits the following.

Applicant respectfully submits that at least the paragraphs [00011, 00067, 00081] of the specification, as originally filed on December 27, 2001, provide support for the claim amendment regarding "highest ranked service provider."

Rejections Under 35 U.S.C. §103(a)

Claims 1, 4-5, 7-8, 10, 21, 24-25, 27-28, 30 and 46-50 were rejected under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2001/0044751 (Pugliese), in view of U.S. Patent Application Publication No. 2001/0027481 (Whyel) and further in view of U.S. Patent No. 6,798,753 (Doganata) and further in view of U.S. Patent No. 6,076,093 (Pickering) and further in view of U.S. Patent No. 6,917,610 (Kung). Applicant respectfully disagrees.

In addition to the reasons submitted on August 20, 2009, Applicant respectfully request the examiner to consider the following distinctions believed to rendered the claims patentable over the applied references.

Claim 1 and its Dependent Claims

Pugliese, in view of other references cited by the examiner, does not suggest "storing, in a database coupled to the data processing system, information about a set of service providers, the information including a service offer from each of the service providers to provide a separate service to customers over a communication connection provided by the data processing system and a price specified by a respective service provider for the service" as recited in claim 1. An ordinary person would not convert the Pugliese system into such a database as claimed in claim 1, since the SLA in Pugliese merely "acts just like a sales person in a retail setting." A sales person in a retail setting does not charge the customers for talking to the customer.

Further, the Pugliese system, in view of other references cited by the examiner, would not have the feature of "if at the service seeker specified appointment time the selected service provider is unavailable for the first real time communication connection, identifying, by the data processing system, a relevant field of service of the selected service provider base on the information stored in the database, determining, by the data processing system, a highest ranking service provider in the relevant field of service, and connecting, by the data processing system, the service seeker to the highest ranking service provider in the relevant field of service" recited in claim 1.

Pugliese is limited to provide personal assistance in shopping in an online shopping system. In Pugliese, the assistant (SLA) "acts just like a sales person in a retail setting" (see, abstract, Pugliese). Other references are not sufficient to overcome the deficiencies of Pugliese.

Thus, Applicant believes that the above discussed specific features of claim 1, in combination with the remaining features recited in claim 1, render claim 1 and its dependent claims patentable.

Although Applicant identifies the specific features that render the claims patentable over the applied references, Applicant respectfully requests the examiner to keep in mind the requirement to consider the claimed invention as a WHOLE (see, e.g., MPEP 214102.I). In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983).

Claim 21 and its Dependent Claims

Pugliese, in view of other references cited by the examiner, does not suggest "storing, in a database coupled to the data processing system, information about a set of service providers, the information including a service offer from each of the service providers to provide a separate service to customers over a communication connection provided by the data processing system and a price specified by a respective service provider for the service" as recited in claim 21. An

ordinary person would not convert the Pugliese system into such a database as claimed in claim 21, since the SLA in Pugliese merely "acts just like a sales person in a retail setting." A sales person in a retail setting does not charge the customers for talking to the customer.

Further, the Pugliese system, in view of other references cited by the examiner, would not have the feature of "if at the service seeker specified appointment time the selected service provider is unavailable for the first real time communication connection, identifying, by the data processing system, a relevant field of service of the selected service provider base on the information stored in the database, determining, by the data processing system, a highest ranking service provider in the relevant field of service, and connecting, by the data processing system, the service seeker to the highest ranking service provider in the relevant field of service" recited in claim 21.

Pugliese is limited to provide personal assistance in shopping in an online shopping system. In Pugliese, the assistant (SLA) "acts just like a sales person in a retail setting" (see, abstract, Pugliese). Other references are not sufficient to overcome the deficiencies of Pugliese.

Thus, Applicant believes that the above discussed specific features of claim 21, in combination with the remaining features recited in claim 21, render claim 21 and its dependent claims patentable.

Although Applicant identifies the specific features that render the claims patentable over the applied references, Applicant respectfully requests the examiner to keep in mind the requirement to consider the claimed invention as a WHOLE (see, e.g., MPEP 214102.I). In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983).

Claim 46 and its Dependent Claims

Pugliese, in view of other references cited by the examiner, does not suggest "a memory to store a database of information about a set of service providers, the information including a

service offer from each of the service providers to provide a separate service to customers over a communication connection provided by the data processing system and a price specified by a respective service provider for the service" as recited in claim 46. An ordinary person would not convert the Pugliese system into such a database as claimed in claim 46, since the SLA in Pugliese merely "acts just like a sales person in a retail setting." A sales person in a retail setting does not charge the customers for talking to the customer.

Further, the Pugliese system, in view of other references cited by the examiner, would not have the feature of "if at the service seeker specified appointment time the selected service provider is unavailable for the first real time communication connection, identify a relevant field of service of the selected service provider base on the information stored in the database,determine a highest ranking service provider in the relevant field of service, and connect the service seeker to the highest ranking service provider in the relevant field of service" recited in claim 46.

Pugliese is limited to provide personal assistance in shopping in an online shopping system. In Pugliese, the assistant (SLA) "acts just like a sales person in a retail setting" (see, abstract, Pugliese). Other references are not sufficient to overcome the deficiencies of Pugliese.

Thus, Applicant believes that the above discussed specific features of claim 46, in combination with the remaining features recited in claim 46, render claim 46 and its dependent claims patentable.

Although Applicant identifies the specific features that render the claims patentable over the applied references, Applicant respectfully requests the examiner to keep in mind the requirement to consider the claimed invention as a WHOLE (see, e.g., MPEP 214102.I). In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983).

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

Respectfully submitted,

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